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The role of the people in the political life of the Roman *res publica* in the period described as republican remains a highly contested topic. Ever since Millar argued for the vitality of democratic elements at Rome, research has grappled with a set of issues which concern popular participation.[1] Magistrates were elected by the Roman people, and legislation was approved or rejected by the people; on the other hand, political life appears to have been in the hands of a small elite which itself was dominated by a group of families who maintained their position from generation to generation.[2] In attempting to reconcile the apparent coexistence of democratic and aristocratic systems, scholarly attention has naturally focused on communication between mass and elite, and on those occasions at which this communication took place. Among these occasions, the *contio* – the informal public meeting at which magistrates addressed the people – has been a particular focus.[3]

Millar developed his initial arguments into an analysis of Roman politics in which contional decision-making is central.[4] But the democratic premise has come under sustained challenge.[5] Hölkeskamp stresses elite direction of events, identifying the *contio* as the location of a consensus ritual where the people assented to the proposals offered to them by the elite and

[1] Millar (1984), (1986).

[2] North (1990a), 7 memorably summed up the weakness of what was then the standard approach to the Roman Republic as the 'frozen waste theory'.

[3] Pina Polo (1989), (1996), Hiebel (2009).

[4] Millar (1998).

[5] Jehne (1995a).

where competition between members of the elite was enacted in a manner that did not threaten the inherent stability of the *res publica*.[6] On this view, the people's role at the *contio* symbolizes their participation in a single community, united by *mos maiorum*, and the *contio* itself is simply a stage for enacting this ritual. Morstein-Marx's discussion of 'ideological monotony' tends in the same direction, because it appears to deny the people in the *contio* a genuine choice, on the basis of discussion, between courses of action.[7] Mouritsen, meanwhile, has attacked the 'democratic' hypothesis from another direction by arguing that the actual audience at the *contio* was profoundly unrepresentative of the Roman people as a whole.[8]

The centrality of oratory is acknowledged throughout this debate, but in practice the capacity of oratory to affect events has been rather neglected. Even Morstein-Marx, who engages in a series of important close readings of Cicero's contional oratory, subsumes the individuality of specific speeches within his broader framework in which orators who addressed the people relied on a common set of tropes and arguments. The purpose of the present volume is to fill this gap by concentrating on oratory as a dynamic force. As part of this project, consideration of the *contio* is supplemented by the exploration of other occasions in the political life of Rome where members of the elite communicated orally with one another and with other members of the *populus Romanus*.

One argument of this volume is that the locations and outcomes of public speech were ultimately uncontrollable by speakers, but at the same time the possibility of controlling

[6] Hölkeskamp (2004); (2010); Flaig (2003).

[7] Morstein-Marx (2004).

[8] Mouritsen (2001).

debate and its outcome was a constant ambition of politicians. This attempt to control the *contio* had various tools: the composition of the audience; the presence within it of individuals briefed to respond to speeches in certain ways; as well as carefully-prepared oratory which drew on a well-established range of tropes (as Morstein-Marx has argued) but which also permitted genuine differentiation between arguments and speakers. These resources were devoted to public meetings precisely because the reaction of the people mattered. Although *contiones* were not formally the occasions at which votes were taken, they were, in practice, the location of decision-making. And whilst their outcomes were very often identical to those hoped for by their organizers, this was not a foregone conclusion. The interest in ancient rhetorical texts in 'bad orators' shows the possibility of failure, as well as the competitive advantage to one orator in being able to denigrate a rival. More informal public encounters also demonstrate the risks inherent in the oral environment in which clumsy or inappropriate words were repeated and remembered; lasting reputational damage was a possible consequence.

This model of public speech at Rome as a genuine means of communication, in which messages could be rejected as well as accepted, gains further nuance by a comparison with the oratory of diplomacy and foreign relations. Exchanges between the Roman state and foreign powers are recorded from both the Roman and the Greek-speaking perspective, and in addition to the light which these throw upon the operation of Roman foreign policy, they can also serve to throw into sharper focus the distinctive features of domestic public speech. In diplomatic oratory at Rome and abroad, debate and the changing of minds very much took second place to the display of power and the articulation of predetermined demands. The use of interpreters intensified the fixity of diplomatic exchanges, since interpreters were not usually authorized to engage in negotiation. The contrast with the *contio* is instructive,

drawing our attention to the direct communication between speakers and people which took place there, and the opportunity which was inherent in the *contio* for its audience to make a decision between competing courses of action. It underscores how the *contio* was a place where opinions could be formed and minds changed.

In the study of Roman political oratory, Cicero is often taken, whether implicitly or explicitly, as a normative figure. Another aim of this volume is to challenge this idea, by presenting a range of other orators. Although Cicero is the only orator from the late Republic whose speeches survive in complete form, it is nonetheless possible, through the analysis of fragments of oratory and of testimonia about oratorical occasions, to produce quite detailed accounts of many other orators. Cicero emerges as an unusual figure, both in his near-exclusive dependence on oratory to fuel his public career, and in the choices he makes about how to use oratory. Thus, he chose not to engage with the people early in his career; the intensity of his forensic activity was unusual among those who reached the higher magistracies; and he exploited to an exceptionally high degree the possibility of preserving his oratory in textual form. There are many other republican figures whose oratorical activity is sufficiently well-attested to be the subject of close analysis, and such analysis demonstrates not only the sheer variety of ways in which oratory played a part in individual political careers, but also the manifold political manoeuvres which adroit oratory could support. Rhetoric was essential training for the aspiring politician, who then faced a series of choices about the best way to exploit his skills and talents in this field.

The vast majority of occasions at which Roman politicians spoke were clearly identifiable in advance. Although *contiones* could be summoned to take place immediately, legislative bills

had to be published some time before the voting.[9] The proposers of legislation had the opportunity to design and plan their *contiones* as part of a process by which they intended to get their legislation passed. The opponents of a measure might have to move more quickly, but nonetheless would have a period of several days in which to prepare the counter-arguments and to organize an opposing *contio*. Even senatorial oratory, though liable to interruption and unplanned exchanges, would very often have been on subjects identified in advance and where the speaker had the chance to prepare. This meant that orators could plan their speeches; and in the existence of this preparatory stage we have a clue to understanding how Cicero's less expert rivals were nonetheless able to deliver highly effective speeches. These men were not working in isolation and they had access to highly skilled support staff, both free and slave. Some work has been done on speechwriters in a Roman setting, and on the rhetorical training which Roman politicians engaged in as adults, but more can certainly be done to explore the process of speech writing in elite households.[10] One consequence of such work might well be to add to our understanding of the environment in which written speeches were circulated and read and the motives of those who acquired these texts.

This volume takes these issues as a starting point for the exploration of public speech at Rome. It includes within its scope contional oratory, which is necessarily given a prominent place, but it includes also forensic, senatorial, and diplomatic oratory, as well as those occasions on which formal speech broke down into impromptu and unscripted exchanges. The first part, *Citizens, Speech, and the Roman* res publica, poses some general questions about the articulation of the relationship between citizens and the *res publica* in public

[9] Under the *leges Aelia et Fufia*, for which see Astin (1964) and Lintott (1999a), 62 n. 95 for references.

[10] Kennedy (1968b); Kaster (1995).

speech. Hölkeskamp's chapter explores the variety of approaches which elite politicians adopted in order to construct the *contio* as an asymmetrical space in which public assent to elite proposals could be displayed. As he shows, when contional oratory went according to plan, it resulted in the powerful reaffirmation of harmonious links between audience and speaker. The rest of this volume can be seen as an exploration of the manifold ways in which this ideal model of communication broke down when faced with personal or ideological competition and the sheer human weakness of orators who were not sufficiently talented or well trained. Morstein-Marx surveys the occasions on which the Roman people did not accede to the wishes of those who spoke to them. The 'successful assertions of popular sovereignty' which he identifies demonstrate the importance of conflict within the republican system but also that these conflicts did not necessarily undermine the effectiveness of this system as a whole. Jehne reaches a similar conclusion by a different route. His exploration of Ciceronian contional oratory supports a model in which *contiones* mattered and were believed to matter, by analysing the benefits that contional participation offered to the people. Cicero treats the Roman people as a group concerned as much with their participatory role and decision-making capacity as with the personal and material benefits that might follow from their decisions. Mouritsen concludes this section with the perennial challenge of finding the contional audience. The other contributors to this volume assume in at least broad terms a mapping between the *populus Romanus* as a whole and the group of men who listened to the speech at a *contio* and the existence, at least in theory, of a single contional community. Mouritsen challenges this identification, and emphasizes that the increasing number of contional speeches disseminated in written form relates to shifting political practice, towards the end of the Republic, which was altering the meaning of the *contio* as meeting.

In the second part, *Strategy and Tactics in Public Speech*, the focus shifts to the ways in which individual politicians managed their own interaction with the Roman people. Flower and Russell both explore the complexities of contional management and the ways in which successful *contiones* depended on careful planning and the deployment of existing networks. Flower discusses how Tiberius Gracchus depended on both urban and rural voters as he developed his programme of land reforms, while Russell highlights the sheer competitiveness of tribunician activity in the 90s BC. In her analysis, '*popularis*' politicians are as much in competition with one another as they are with those who oppose them on ideological grounds. Indeed, her analysis reaffirms the fragility of the term '*popularis*' as a useful analytical tool.[11] Tan's chapter develops these ideas in relation to Clodius, who is often identified as the arch-*popularis* politician in the late Republic. Oratory was indeed an important factor in Clodius' political impact, but Tan shows that its effectiveness depended substantially on careful planning and organization of his *contiones* in terms of audience presence and response. Tatum addresses one of the paradoxes of oratory in front of the people: the lack of election speeches. Roman politicians did not articulate their claim to public office through public speech. He connects this startling absence with conventions about election campaigning, whilst noting that adroit political operators nonetheless created opportunities to articulate their claims to office. Finally, Steel considers the unscripted exchanges which could accompany formal speech or, indeed, take place independently of it. Effective public repartee demanded verbal facility and inventiveness but its spontaneous nature made it risky for members of the elite who did not manage to control the spoken environment effectively.

[11] cf. Robb (2010).

The public speech which these chapters explore could go well or otherwise. Part Three, *Judgements and Criticisms*, considers how audiences can and do judge oratory. Wisse analyses why individuals were considered to be bad orators. He argues that the category of the bad orator included both technical and moral weakness, and that the judgement of somebody as a bad orator was a criticism with serious implications for political success. Arena focuses on the advice given by the rhetorical handbooks in order to challenge the misconception that Roman oratory regarded some forms of persuasion as irrational. Instead, she suggests that emotional appeals worked alongside logical argument in a harmonious rational whole. Dugan expands the range of audiences whose responses can be considered. Through a study of Cicero's notoriously difficult speech *pro Marcello*, he argues that modern difficulties in interpreting this speech can only be understood through careful attention to the history of the work's interpretation from its immediate reception onwards.

Part Four, *Romans and non-Romans*, considers the variety of oratorical responses to the consequences of Roman imperial conquests. Roman commanders, ambassadors and senators found themselves negotiating with and giving orders to representatives of foreign states and peoples, both in Rome and abroad, and once the Romans had established a legal framework for the behaviour of Romans in the provinces, the provincials found themselves participants in trials at Rome which, if ostensibly about offences committed overseas, were very often also about domestic political manoeuvring. The chapters of Torregaray Pagola and Pina Polo explore diplomatic exchanges from the perspectives of both Romans and non-Romans and Prag considers trials under *repetundae* legislation, and in particular Cicero's prosecution of Verres. He argues the *Verrines* offer a novel model of the *patrocinium* of an entire province which supplants the familiar relationship between a Roman patron and a particular community. This argument complements the earlier analysis of Tatum, who explores the

Verrines as a disguised piece of electoral campaigning: from both perspectives, Cicero's ostensible focus on the suffering of provincials is subordinated to a domestic political agenda.

The final part, *Cicero's Rivals*, showcases a range of orators from the late Republic, whose careers act as a corrective to the Ciceronian model of oratory and public life. Rosillo López treats the family of the Scribonii Curiones, notable both for their oratorical success over three generations and for the fact that at least two of the generations were not regarded as outstandingly skilled speakers. Her chapter thus acts as a complement to Wisse's more general analysis of bad orators. Van der Blom demonstrates the potential of testimonia as well as fragments in the analysis of the role of oratory in the careers of politicians other than Cicero. She takes as her example Piso Caesoninus, who despite the distorting effect of Cicero's hostility nonetheless emerges as an effective and competent orator, albeit one who eschewed forensic activity. Finally, Balbo and Mahy's chapters consider two figures whose oratory was profoundly affected by the transition from Republic to autocratic forms of government. Brutus emerges as an orator who could not successfully adapt his commitment to republican liberty to the complex demands of the Caesarian and post-Caesarian world. Antonius, by contrast, despite his relative lack of oratorical and intellectual training, and without much oratorical experience before the Civil War, proved a strikingly successful speaker at times of crisis. The chapters in Part Five taken together reveal that there is great scope for expanding the study of Roman orator to consider orators other than Cicero and raises a number of questions about the relationship between individual skill, political circumstances, and audience expectations in determining the outcome of political speech.

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